

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DUSTY BUTTON and MITCHELL TAYLOR
BUTTON,

Plaintiffs,

-against-

MADISON JANE BRESHEARS,

Defendant.

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: 6/20/2024

1:24-cv-03757-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On May 13, 2024, Plaintiffs, proceeding *pro se*, filed the Complaint in this action. [ECF No. 1]. Defendant was served with summons and complaint on May 24, 2024, making her responses to the Complaint due on June 14, 2024. [ECF No. 10]. On June 14, 2024, Defendant, proceeding *pro se*, filed a motion to dismiss the Complaint supported by a memorandum of law. [ECF Nos. 11, 12]. Defendant did so without complying with Rule 4.A.i of the Court's Individual Rules of Practice in Civil Cases, which requires that "parties wishing to file a motion to dismiss . . . should, prior to filing any motion, request a pre-motion conference with the Court." That Rule further provides: "To request a pre-motion conference, the party wishing to make a motion shall file a letter, not to exceed three pages, briefly describing the motion that is contemplated and summarizing the grounds for the proposed motion, and whether the motion is on consent of all parties. If the motion is not on consent, any opposing party should file a letter setting forth its position, not to exceed three pages, within three business days after the request is filed. The Court will then determine whether to hold a pre-motion conference in the matter."

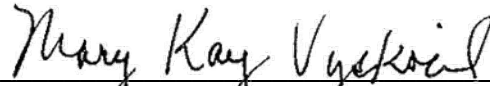
Accordingly, IT IS HEREBY ORDERED that Defendant's motion to dismiss is DENIED without prejudice to renewal following Defendant's request for a pre-motion conference in compliance with the Court's Individual Rules. IT IS FURTHER ORDERED that Defendant shall

make such a request for a pre-motion conference, or otherwise respond to the Complaint, no later than July 8, 2024.

The Clerk of Court is respectfully requested to terminate the motion pending at docket entry 11.

SO ORDERED.

Date: June 20, 2024
New York, NY



MARY KAY VYSKOCIL
United States District Judge